

## **REMARKS**

This is responsive to the Office Action mailed December 28, 2006. Since the Office Action is final, it is accompanied by a request for continued examination ("RCE") together with the required fee.

All the claims stand rejected under 35 U.S.C. §102(b) as being anticipated by Smith, U.S. Patent No. 2,515,099 ("Smith").

The claims are amended to clarify that the apron is an integral part of the sink, as disclosed in the Figure as originally filed, and as referenced (with reference designator 17) in the Figure as amended. However, it is submitted for the record that the term inherently included the limitation that is explicitly added now, so the amendment does not alter the scope of the claims.

While it is also not believed to be necessary, Applicant submits a second Declaration of William McKeone addressing the Examiner's concern that he might not be a disinterested party.

Also, Applicant submits additional evidence on the meaning of the term "apron" in the form of the pertinent dictionary definition,"i.e., "an upward or downward vertical extension of a sink or lavatory." Webster's Ninth New Collegiate Dictionary, 1991 ed., page 98 (copy enclosed). The dictionary also supports Applicant's position that an apron is part of a sink, and so cannot reasonably be read as the Examiner has urged to include the under-sink cabinet or "enclosure" disclosed in Smith.

The Smith patent also uses the term "apron" consistent with both the McKeone Declaration and the dictionary definition, stating:

The preferred embodiment of my invention herein shown includes in its general organization a pair of opposed walls 10, width extension plates 12, length extension plates 14, and a front wall assembly 16. As shown in Fig. 1 these members are assembled in the space beneath a conventional, cast-iron, enamel-finished sink 18 which has one or more bowls 20 and an overhanging apron 22. Col. 2, lines 18 - 26.

The Smith patent distinguishes between an “apron,” which is part of the sink 18, and the “pair of opposed walls 10, width extension plates 12, length extension plates 14, and . . . front wall assembly 16” that defines the assembly that is installed underneath the sink.

It is clear from the evidence of record that applicant is not asserting a “special” definition for the term “apron.” Applicant argues that the term should be construed to have its ordinary meaning, i.e., the meaning that would be ordinarily understood by a person of ordinary skill in the art as described in MPEP 2111.

It appears that the Examiner has adopted a “special” definition, apparently on the grounds that the ordinary meaning is inconsistent with the specification. But no basis for this conclusion has been indicated, and none is apparent. The only sentence relevant to the meaning of the term “apron” in the specification is in the amended paragraph at page 3, lines 17 - 18:

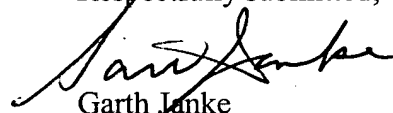
“Depending downwardly from a front portion 13a of the sink 10 is an apron 17 having a front surface 12.”

The sink enclosure in Smith does not “depend” from the sink, so the specification is consistent with Applicant’s position that the term “apron” does not read on the sink enclosure in Smith.

Notwithstanding, the Examiner takes the position that the term must be construed differently than would otherwise be called for by MPEP 2111 because the term was added by amendment and was not present in the original disclosure. But Applicant cannot find, and the Examiner has not identified, any authority for this position. If any such authority is known to the Examiner, it is respectfully requested that it be identified specifically.

Accordingly, it is respectfully submitted that the case is in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Garth Janke", written over the printed name.

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**apprize** \ə-ˈprīz\ *vi* **ap-prized**; **ap-prizing** [ME *aprisen*, fr. MF *aprisier*, fr. OF, fr. *a-* (fr. *L. ad-*) + *priser* to appraise — more at **PRICE**] (15c) : VALUE, APPRECIATE

**approach** \ə-ˈprɔch\ *vb* [ME *approchen*, fr. OF *approchier*, fr. LL *ap-propiare*, fr. *L. ad-* + *prope* near; akin to *L. pro* before — more at **PROXIMATE**] *vi* (13c) 1: to draw closer to; **NEAR** (~ the podium) 2: to come very near to; to be almost the same as (its mathematics ~es mysticism — Theodore Sturgeon) (as the quantity *x* ~es zero) 3: to make advances to esp. in order to create a desired result (was ~ed by several Broadway producers) 4: to take preliminary steps toward accomplishment or full knowledge or experience of (~ the subject with an open mind) ~ *vi* 1: to draw nearer (dawn ~es) 2: to make an approach in golf

**approach** *n* (15c) 1: an act or instance of approaching (the ~ of summer) 2: APPROXIMATION (in this book he makes his closest ~ to greatness) 3: the taking of preliminary steps toward a particular purpose (experimenting with new lines of ~) 4: a particular manner of taking such steps (a highly individual ~ to language) 5: a means of access; AVENUE 6: a golf shot from the fairway toward the green 7: the steps taken by a bowler before he delivers the ball; also: the part of the alley behind the foul line from which the bowler delivers the ball

**approachable** \ə-ˈprɔch-ə-bəl\ *adj* (1571) : capable of being approached : ACCESSIBLE, SPECIF : easy to meet or deal with — **approachability** \-ˈprɔch-ə-bil-ə-ti\ *n*

**approbate** \ə-ˈprɔb-ət\ *vi* **-bated**; **-bating** [ME *approbaten*, fr. *L. approbatus*, pp. of *approbare* — more at **APPROVE**] (15c) : APPROVE, SANCTION — **approbatory** \ə-ˈprɔb-ət-ɔri\ *adj* 1: **APPROBING** 2: **PROOF** 2: an act of approving formally or officially 3: COMMENDATION, PRAISE

**appropriate** \ə-ˈprɔr-ət\ *vi* **-ated**; **-ating** [ME *appropriaten*, fr. LL *appropriatus*, pp. of *appropriare*, fr. *L. ad-* + *proprius* own] (15c) 1: to take exclusive possession of; ANNEX (no one should ~ a common benefit) 2: to set apart for or assign to a particular purpose or use (~ money for the research program) 3: to take or make use of without authority or right — **appropriable** \-ˈprɔr-ə-bəl\ *adj* — **appropriator** \-ˈprɔr-ət-ər\ *n*

**appropritate** \ə-ˈprɔr-ət-əd\ *adj* (15c) : especially suitable or compatible : FITTING — *syn* see **FIT** — **appropritate** *adv* — **appropritate-ness** *n*

**appropriation** \ə-ˈprɔr-ət-ə-ʃən\ *n* (14c) 1: an act or instance of appropriating 2: something that has been appropriated; SPECIF : money set aside by formal action for a specific use — **appropriative** \-ˈprɔr-ət-iv\ *adj*

**approvable** \ə-ˈprɔv-ə-bəl\ *adj* (15c) : capable or worthy of being approved — **approvably** \-bəl-ə-d\ *adv*

**approve** \ə-ˈpruv\ *vi* **-proved**; **-proving** [ME *approven*, fr. MF *aprover*, fr. *L. approbare*, fr. *ad-* + *probare* to prove — more at **PROVE**] *vt* (14c) 1: **PROVE, ATTEST** 2: to have or express a favorable opinion of (couldn't ~ his conduct) 3: to accept as satisfactory (hopes she will ~ the date of the meeting) 4: to give formal or official sanction to : RATIFY (Congress approved the proposed budget) ~ *vi* : to take a favorable view (doesn't ~ of fighting) — **approvingly** \-ˈpruv-ɪŋ-lee\ *adv*

*syn* APPROVE, ENDORSE, SANCTION, ACCREDIT, CERTIFY mean to have or express a favorable opinion of. APPROVE often implies no more than this but may suggest considerable esteem or admiration; ENDORSE suggests an explicit statement of support; SANCTION implies both approval and authorization; ACCREDIT and CERTIFY usu. imply official endorsement attesting to conformity to set standards.

**approved school** *n*, *Brit* (1932) : a school for juvenile delinquents

**approximate** \ə-ˈprɔks-ə-mət\ *adj* [LL *approximatus*, pp. of *approximare* to come near, fr. *L. ad-* + *proximare* to come near — more at **PROXIMATE**] (15c) 1: nearly correct or exact (an ~ solution) 2: located close together (~ leaves) — **approximately** \-mə-ti\ *adv*

**approximate** \ə-ˈprɔks-ə-mət\ *adj* **-mated**; **-mating** *vi* (15c) 1: to bring near or close 2: to bring (cut edges of tissue) together 2: to come near to or be close to in position, value, or characteristics (a child tries to ~ his parents' speech) ~ *vi* : to come close

**approximation** \ə-ˈprɔks-ə-mā-ʃən\ *n* (15c) 1: the act or process of drawing together 2: the quality or state of being close or near (an ~ to the truth) 3: something that is approximate; esp. : a mathematical quantity that is close in value to but not the same as a desired quantity — **approximative** \-ˈprɔks-ə-māt-iv\ *adj*

**appurtenance** \ə-ˈpɜrt-nən(t)s, -ˈnən(t)s\ *n* (14c) 1: an incidental right (as a right-of-way) attached to a principal property right and passing in possession with it 2: a subordinate part or adjunct (the ~ of welcome is fashion and ceremony—Shak.) 3: accessory objects : APPARATUS

**appurtenant** \ə-ˈpɜrt-nən(t), -ˈnən(t)\ *adj* [ME *apertenant*, fr. MF, fr. OF, pp. of *apartenir* to belong — more at **APPERTAIN**] (14c) 1: constituting a legal accompaniment 2: AUXILIARY, ACCESSORY — **appurtenant** *n*

**apraxia** \ə-ˈprɔks-ē-ə\ *n* [NL, fr. Gk. *inaction*, fr. *a-* + *praxis* action, fr. *prassein* to do — more at **PRACTICAL**] (1888) : loss or impairment of the ability to execute complex coordinated movements without impairment of the muscles or senses — **apraxic** \-ˈprɔks-ik\ or **apraxic** \-ˈprɔks-ik\ *adj*

**après** \äp-rä, (äp-) *prep* [prob. back-formation fr. *après-ski*] (1954) : AFTER (~ tennis) — *usu.* used in combination (*après-theater party*)

**après-ski** \äp-rä-skē, äp- \ *n* [F *après* after + *ski*, skiing] (1954) : social activity (as at a ski lodge) after a day's skiing — **après-ski** *adj*

**apricot** \äp-rä-kät, äp-rä-, *n*, often *attrib* [alter. of earlier *abrecock*, deriv. of *Ar al-birqaq* the apricot] (1551) 1: a the oval orange-colored fruit of a temperate-zone tree (*Prunus armeniaca*) resembling the related peach and plum in flavor 2: a tree that bears apricots 3: a variable color averaging a moderate orange

**April** \ä-präl\ *n* [ME, fr. OF & L: OF *avril*, fr. L *Aprilis*] (bef. 12c) : the 4th month of the Gregorian calendar

**April fool** *n* (1687) : the butt of a joke or trick played on April Fools' Day; also : such a joke or trick

**April Fools' Day** *n* (1832) : April 1 characteristically marked by the playing of practical jokes

**apriori** \ä-pri-ör-ē, äp-rē-, ä-(pri-ör-)r-i-, -prē-ör-ē\ *adj* [L. lit., from the former] (1651) 1: DEDUCTIVE b: relating to or derived by reasoning from self-evident propositions 2: compare **A POSTERIORI** c: presupposed by experience 2: a: being without examination or analysis : PRESUMPTIVE b: formed or conceived beforehand — **a priori** *adv* : **apriori-ly** \-ör-ät-lee\ *adv*

**apron** \ä-prən, -pən\ *n*, often *attrib* [ME, alter. (resulting fr. incorrect division of *a napron*) of *napron*, fr. MF *naperon*, dim. of *nape* cloth, modif. of *L. mappa* napkin — more at **MAP**] (14c) 1: a garment usu. of cloth, plastic, or leather usu. tied around the waist and used to protect clothing or adorn a costume 2: something that suggests or resembles an apron in shape, position, or use; as a: the lower member under the sill of the interior casing of a window b: an upward or downward vertical extension of a sink or lavatory c: a piece of waterproof cloth spread out (as before the seat of a vehicle) as a protection from rain or mud d: a covering (as of sheet metal) for protecting parts of machinery e: an endless belt for carrying material f: an extensive fan-shaped deposit of detritus g: the part of the stage in front of the proscenium arch h: the area along the waterfront edge of a pier or wharf i: a shield (as of concrete, planking, or brushwood) along the bank of a river, along a seawall, or below a dam j: the extensive paved part of an airport immediately adjacent to the terminal area or hangars

**apron string** *n* (1542) : the string of an apron — *usu.* used in pl. as a symbol of dominance or complete control (though 40 years old he was still tied to his mother's apron strings)

**apropos** \ä-prɔs, äp-rä-, äp-rä- \ *adv* [F *à propos*, lit., to the purpose] (1668) 1: at an opportune time; SEASONABLY 2: BY THE WAY

**apropos** *adj* (1686) : being both relevant and opportune — *syn* see **RELEVANT**

**apropos** *prep* (1910) : **APPROPOS OF**

**apropos** *prep* (1746) : with regard to : CONCERNING

**apse** \äps\ *n* [ML & L: ML *apsis*, fr. L] (1822) 1: APSIS 1 2: a projecting part of a building (as a church) that is usu. semicircular in plan and vaulted

**ap-sid-dal** \äp-səd-, d\ *adj* (1846) : of or relating to an apse

**apsid** \äp-səd-, d\ *n*, pl *apsides* \-sə-dēz\ [NL *apsid*, *apsis*, fr. L. arch. orbit, fr. Gk *hapsid*, *hapis*, fr. *haptain* to fasten] (1658) 1: the point in an astronomical orbit at which the distance of the body from the center of attraction is either greatest or least 2: APSE 2

**apt** \äpt\ *adj* [ME, fr. *L. aptus*, lit., fastened, fr. pp. of *apere* to fasten, akin to *L. apisci* to reach, *apud* near, Gk *hapis* fastened, Skt *āpta* fit] (14c) 1: unusually fitted or qualified : READY (proved an ~ tool in the hands of the conspirators) 2: a: having a tendency : LIKELY (plants ~ to suffer from drought) b: ordinarily disposed : INCLINED (~ to accept what is plausible as true) 3: suited to a purpose; esp. : being to the point (an ~ quotation) 4: keenly intelligent and responsive — *syn* see **FIT**, **QUICK** usage see **LIABLE** — **aptly** \äp-(l)ē\ *adv* — **aptness** \äp-(l)-nəs\ *n*

**apterous** \äp-tə-rəs\ *adj* [Gk *apteros*, fr. *a-* + *pteron* wing — more at **FEATHER**] (1775) : lacking wings (~ insects)

**apteryx** \äp-tə-rīks\ *n* [NL, fr. *a-* + Gk *pteryx* wing; akin to Gk *pteron*] (1813) : KIWI

**aptitude** \äp-ti-(y)üd-, äp-ti- \ *n* [ME, fr. ML *aptitudo*, fr. LL, fitness, fr. *L. aptus*] (15c) 1: a: INCLINATION, TENDENCY b: a natural ability : TALENT 2: capacity for learning : APTNESS 3: general suitability — *syn* see **GIFT** — **aptitudinal** \äp-ti-(y)üd-nəl-, -nəl\ *adj* — **aptitudinally** \-lee\ *adv*

**aptitude test** *n* (1923) : a standardized test designed to predict an individual's ability to learn certain skills

**apyrase** \äp-ä-räs-, räz\ *n* [adenosine + pyrophosphate + *-ase*] (1945) : any of several enzymes that hydrolyze ATP with the liberation of phosphate and energy

**aqua** \äkw-, äk-, *n*, pl *aquae* \äkw-, äk-, wī\ or *aquas* [L. — more at **ISLAND**] (14c) 1: WATER; esp. : an aqueous solution (as of a volatile substance) 2: a light greenish blue color

**aqua-cade** \äkw-, käd-, äk-, *n* [AQUACADE, a water entertainment spectacle orig. at Cleveland, Ohio (1937)] (1937) : a water spectacle that consists usu. of exhibitions of swimming and diving with musical accompaniment

**aqua-culture** also **aquaculture** \äkw-, käl-chər-, äk-, *n* [L *aqua* + *culture* (as in *agriculture*)] (1867) : the cultivation of the natural produce of water (as fish or shellfish) — **aqua-culturist** \äkw-, käl-ch-ər-, äk-, *adj* — **aqua-culturist** \-ch-ər-ist\ *n*

**aqua-dag** \äkw-, dag-, äk-, *n* [trademark — used for a colloidal suspension of fine particles of graphite in water for use as a lubricant]

**aqua-for-tis** \äkw-, fört-əs-, äk-, *n* [NL *aqua fortis*, lit., strong water] (15c) : NITRIC ACID

**aqua-lung** also **aqua-lung** \äkw-, löng-, äk-, *n* [fr. *Aqua-lung*, a trademark] (1952) : SCUBA DIVER

**aqua-marine** \äkw-, mä-rēn-, äk-, *n* [NL *aqua marina*, fr. L, sea water] (1598) 1: a transparent beryl that is blue, blue-green, or green in color 2: a pale blue to light greenish blue

**aqua-naut** \äkw-, näut-, äk-, -näut\ *n* [L *aqua* + E *-naut* (as in *aeronaut*)] (1881) : a scuba diver who lives and operates both inside and outside an underwater shelter for an extended period

**aqua-plane** \äkw-, plān-, äk-, *n* (1914) : a board towed behind a speeding motorboat and ridden by a person standing on it — **aqua-plane** *vi* — **aqua-planer** *n*

**aqua-pura** \äkw-, pyūr-, äk-, *n* [L] (ca. 1934) : pure water

**aqua-regia** \äkw-, rē-jē-, äk-, *n* [NL, lit., royal water] (1610) : a mixture of nitric and hydrochloric acids that dissolves gold or platinum

**aqua-relle** \äkw-, rel-, äk-, *n* [F, fr. obs. *It. acquarella* (now *acquerello*), fr. *aqua* water, fr. L *aqua*] (1869) : a drawing usu. in transparent watercolor — **aqua-rellist** \-rēl-əst\ *n*

**Aquarius** \äkw-, kwär-ē-ən-, -kwēr- \ *n* (1668) : AQUARIUS 2b

**aquarist** \äkw-, kwär-ē-ən-, -kwēr- \ *n* (ca. 1893) : one who keeps an aquarium

**aquarium** \äkw-, kwär-ē-əm-, -kwēr- \ *n*, pl *i-ums* or *-ia* \-ē-ə\ [L, watering place for cattle, fr. neut. of *aquarius* of water, fr. *aqua*] (ca. 1847) 1: a container (as a glass tank) or an artificial pond in which living aquatic animals or plants are kept 2: an establishment where aquatic collections of living organisms are kept and exhibited

**Aquarius** \äkw-, kwär-ē-ən-, -kwēr- \ *n* [gen. A. lation south of Pegasus, pictu- lation sign of the zodiac in astrology]

**aquatic** \äkw-, kwät-ik-, -kwät- \ *adj* : frequenting water (~ mosquito) (~ sports) — **aquatically** \-i-ki\ *adv*

**aquatic** *n* (1600) 1: an aquatic animal 2: water sports

**aquatic** \äkw-, kwät-ik-, -kwät- \ *n* : method of etching a printing washes can be reproduced; al-

**aquatic** \äkw-, kwät-ik-, -kwät- \ *n* [Sw, L] (1890) : a clear Scandinavian l-

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**aqueduct** \äkw-, dēkt\ *n* [L] : a structure for conveying a can-

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